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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,525	06/05/2000	Gerald Isaac Kestenbaum	RM003	7398

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/587,525	Applicant(s) KESTENBAUM, GERALD ISAAC	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 98-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 99-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received on 08 June 2004 to the office action mailed on 02 February 2004. There are 11 claims, claims 98 – 108 pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 98 - 108 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 98 is rejected under 35 U.S.C. 102(a) as being unpatentable over an article from Jerusalem Post "Intranet For Apartment Dwellers" hereinafter known as ElectricStreets.

Regarding claim 98, ElectricStreets teaches a collaborative real estate management system with features for exchanging information among tenants, staff and a building manager (With the February launch of electricstreets.com, any apartment complex can have its own ready-to-go intranet offering residents, managers and owners new and more convenient ways to interact and conduct business.), and task management relating to the operation of a building (residents can pay rent on-line, send and track maintenance requests), said exchange of information being limited to said tenants, staff, and building manager of said building [Page 2]. ElectricStreets teaches:

data input and output devices accessible to the tenants, staff, and the building manager;

a computer system connecting said data input and output devices (Logging in to their Electric Streets Intranet. It is obvious that users will need a computer system for logging in to the Electric Streets Intranet);

said computer system including one or more processors networked together and programmed to process data relating to management of said building (It is obvious that intranet has one or more processors programmed for performing business desired functions);

said processor being further programmed to receive a communication relating to management of said building from at least one of said tenant, staff and building manager (residents can pay rent on-line, send and track maintenance requests), said communication including data indicating a target recipient among another of said tenants, staff and building manager (connect with sports or hobby partners, form a book

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club or stock trading group, list items for sale in the classifieds, print discount coupons from local merchants, and chat or play games in real time with other residents) [page 2];

said computer system being further programmed to output said communication to said target recipient (chat or play games in real time with other residents),

wherein said computer system enables interaction by said tenants with said staff and building manager through said system (residents can pay rent on-line, send and track maintenance requests).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 99 – 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over an article from Jerusalem Post “Intranet For Apartment Dwellers” hereinafter known as ElectricStreets in view of Koether US Patent 5,875,430.

With respect to the recitation in claims 99 – 108 defining what kind of data is being stored on the database, this is considered to be non-functional descriptive

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material that does not distinguish (define) over the applied prior art. Since the instant claims are article claims and the type of data claimed is considered to be non-functional descriptive material, the applied prior art satisfies the claim. The prior art stores data and is fully capable of storing the claimed type of data, this is the extend to which weight will be given to the claimed data. When descriptive material is not functionally related to the article, the descriptive material will not distinguish the invention from the prior art in terms of patentability, *In re Gulack*, 217 USPQ 401 (CAFC 1983).

Regarding claim 99, ElectricStreets does not teach computer system includes a database for record keeping or task tracking (i.e. storing data for later retrieval). However, Koether teaches system with database for storing information for later retrieval [Fig. 3, col. 2, lines 60 – 66].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ElectricStreets as taught by Koether and use database to store information for later retrieval.

Regarding claim 100, ElectricStreets does not teach database includes a library of documents relating to the building which documents are accessible for viewing, storing, and editing by said tenants, staff, and building manager. However, Koether teaches database includes a library of documents relating to the building (database contains maintenance instructions for each type of kitchen or restaurant

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appliance) which documents are accessible for viewing, storing, and editing by said tenants, staff, and building manager (a request may be initialized for the control center to download the necessary repair and maintenance instructions for the appliance under service) [col. 2, lines 54 – 59].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ElectricStreets as taught by Koether and store library of documents in the database to save on reproduction costs by allow users to retrieve the documents directly from the computer system.

Regarding claim 101, ElectircStreets teaches communication comprises information or an instruction from one of said tenants to a member of said staff located at a front desk or front gate of said building (send and track maintenance requests).

Regarding claim 102, ElectricStreets teaches communication comprises information regarding a service request among said tenants, staff, and building manager (send and track maintenance requests).

Regarding claim 103, ElectricStreets teaches communication comprises package delivery and pickup information from said staff to said tenants or building

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manager (send and track maintenance requests, i.e. user choice for the content of the message, field of use).

Regarding claim 104, ElectricStreets teaches communication comprises one or more survey questions from a member of said staff or said building manager to one of said tenants, or a response to said survey questions from one of said tenants to a member of said staff or to said building manager (users can also find out how neighbors rate local restaurants, doctors or schools, user choice for the content of the message, field of use).

Regarding claim 105, ElectricStreets teaches communication comprises information posted by one of said tenants for viewing by other tenants of the building (list items for sale in the classifieds, print discount coupons from local merchants, and chat or play games in real time with other residents).

Regarding claim 106, ElectricStreets does not teach database includes addresses and contact information for said tenants, staff, and building manager. However, Koether teaches billing information. Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that

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billing information comprises address, contact information etc. (i.e. field of use, user choice to elect what information to store in the database).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify ElectricStreets as taught by Koether to maintain the address book in the database.

Regarding claim 107, ElectricStreets in view of Koehler teaches database includes information for task tracking (i.e. field of use, user choice to elect what information to store in the database).

Regarding claim 108, ElectricStreets in view of Koehler teaches database includes information about scheduled maintenance programs (i.e. field of use, user choice to elect what information to store in the database).

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

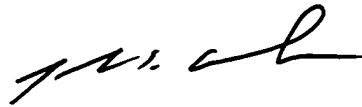
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig
September 4, 2004



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600